

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Guntur District – Withdrawal of prosecution against Shaik Suleman Pasha, Reporter formerly “VAARTHA” Dailly presently working with “SAKSHI” Daily in Cr.No.93/2003, under sections 353 and 506 of the Indian Penal Code, 1860 and section 3(1)(x) of the Scheduled Castes / Scheduled Tribes (Prevention of Atrocities) Act, 1989 of Macherla Police Station, pending before Hon’ble J.F.C.M., Macherla vide PRC No.29/2006 – Orders – Issued.

LAW (L.A. & J – HOME – COURTS-B) DEPARTMENT

G.O.Rt.No. 743

Dated:18.05.2009

Read the following:

1. Representation of Sri Shaik Suleman Pasha, Reporter, Dated: Nil and 19.07.2008
2. From the Addl.Director General of Police, CID, A.P., Hyderabad, Lr.C.No.6167/C18/CID/2004, Dated:28.09.2005 and 01.04.2006.
3. From the Superintendent of Police, Guntur District, Lr.C.No.474/Petrn/SP-Camp/2006, Dated:31.10.2006.
4. From the Director General of Police, A.P., Hyderabad, Lr.Rc.No.602/Complts-1/2007, Dated:01.07.2008.
5. Concurrence of Chief Electoral Officer & E.O. Pri.Secretary to Government , G.A. (Elections) Department, Dated:31.03.2009.

ORDER:

Sri Shaik Suleman Pasha, Reporter, formerly “VAARTHA” Daily presently working with “SAKSHI” Daily in his representation first read above has represented that during the year 2003, he subscribed a news item pertaining to unearthing of Archeological Monuments Racket, in which Sri Meesala Ruben, Police Constable belonging to Guntur District was involved. The said Police Constable bore grudge against him, and lodged a false complaint vide Cr.No.93/2003 of Macherla Town Police Station under sections 353 and 506 of the Indian Penal Code, 1860 and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The individual has, therefore, requested to entrust the case to CBCID to bring out the true facts of the case.

2. The Additional Director General of Police, Crime Investigation Department, A.P., Hyderabad in his letter second read above, dated:28.09.2005 has *interalia* informed that during the course of CID enquiry, no witness spoke about the occurrence of the offence. Evidence collected clearly revealed that no incident occurred on 08.09.2003, at Buruju Center, Macherla. Sri Meesala Ruben (Police Constable) to settle his scores with Mr.Suleman, filed a false complaint against Sri Shaik Suleman Pasha. The Asst.Public Prosecutor, Gurazala issued legal opinion advising to refer the case as Mistake of fact.

3. The Superintendent of Police, Guntur District in his letter third read above, has informed that based on reasons mentioned, a private complaint was filed before the Hon’ble Judicial First Class Magistrate, Macherla, by Sri Meesala Ruben (Police Constable), and a case in Cr.No.93/2003, u/s.353 and 506 of the Indian Penal Code, 1860 and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Attrocities) Act 1989 was registered against Sri Shaik Suleman Pasha, Reporter. The Special Public Prosecutor, Special Sessions Court-cum-IV Addl.Sessions Court, Guntur, opined that it was not a good case for prosecution and it would not sustain in a Court of Law. The case is pending trial vide PRC No.29/06 before the Hon’ble Judicial First Class Magistrate, Macherla.

4. The Director General of Police, A.P., Hyderabad, in his letter fourth read above, based on the opinion of Superintendent of Police, Guntur District and the opinion of Chief Legal Advisor, Crime Investigation Department, A.P., Hyderabad has not recommended for withdrawal of prosecution against Sri Shaik Suleman Pasha, Reporter, presently working with “SAKSHI” Daily Newspaper.

5. Government after careful examination of the matter and also the material made available, hereby decided to withdraw prosecution against Sri Shaik Suleman Pasha, Reporter, formerly "VAARTHA" Daily Newspaper presently working "SAKSHI" Daily Newspaper in Cr.No.93/2003, under sections 353 and 506 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 of Macherla Police Station pending before the Hon'ble Judicial First Class Magistrate, Macherla vide PRC No.29/2006.

6. The Collector & District Magistrate, Guntur is therefore directed to see that the Assistant Public Prosecutor concerned apply his mind and take appropriate steps to file a petition under section 321 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for withdrawal of prosecution against the accused mentioned in para (5) above in Cr.No.93/2003, under sections 353 and 506 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 of Macherla Police Station, pending before the Hon'ble Judicial First Class Magistrate, Macherla vide PRC No.29/2006, under intimation to Government

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.RAMACHANDRA REDDY,
SECRETARY TO GOVERNMENT
LEGISLATIVE AFFAIRS & JUSTICE

To

The Collector & District Magistrate, Guntur

The Director General of Police, A.P., Hyderabad.

The Addl. Director General of Police, CID, A.P., Hyderabad

The Superintendent of Police, A.P., Hyderabad.

The Asst. Public Prosecutor concerned (thro' Collector concerned)

Copy to:

The Law (E) Department

Sf/Sc.

// forwarded :: by order //

Section Officer